

JAN 24 2005

Case No. IRDM.025CCD

Date: January 24, 2005

## NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of : Mark W. Miles  
App. No. : 10/082,397  
For : VISIBLE SPECTRUM  
MODULATOR ARRAYS  
Filed : August 6, 2002  
Examiner : Mai, Huy Kim  
Group Art Unit : 2873

## CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this Notice of Appeal and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. 703.872.9306 on the date shown below.

January 24, 2005

(Date)

Mark M. Abumeri, Reg. No. 43,458

Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated July 22, 2004 of the Primary Examiner finally rejecting Claims 69 and 70. The item(s) marked below are appropriate:

- (x) An extension of time to respond to the final rejection for an additional 2 months is hereby requested.

## Filing Fee:

- (X) \$250 (small entity)  
( ) \$500 (large entity)

## Time Extension Fee (if applicable):

- ( ) one month (\$60 small entity)  
( ) two months (\$225 small entity)  
(X) three months (\$510 small entity) less \$55.00 first extension fee paid November 8, 2004.

- (X) Charge to Deposit Account No. 11-1410 in the amount of \$705.00. (One additional copy of this Notice enclosed herewith.)  
(X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

Signature:

Mark M. Abumeri  
Registration No. 43,458  
Customer No. 20,995  
(619) 235-8550

PA-TF04  
S:\DOCS\MMA\MMA-9459.DOC  
012405